IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 30104 of 2004(H)

PETITIONER:

PRETHIBHA G.NAIR, D/O LATE GOVINDAN NAIR,
CLERK, ELAMKAVU, DEVASWOM SCHOOL,
MULLASSERIL, ITHITHANAM P.O.,
KOTTAYAM.

BY ADV. SRI.M.NARENDRA KUMAR
SMT.LEENA KRISHNAN

RESPONDENTS:

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1. THE MANAGER,
ELAMKAVU DEVASWOM SCHOOL,
ITHITHANAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
KOTTAYAM.

3. STATE OF KERALA REPRESENTED BY
SECRETARY TO DEPARTMENT OF EDUCATION,
SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.K.JAJU BABU
GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, ALONG WITH WPC NO. 17451 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the communication issued to the elder sister of the petitioner by the second respondent dated on 14.5.2001.

Ext.P2: True copy of the application dated 29.9.2004 submitted by the petitioner to the 1st respondent claiming appointment under Rule 51B of Chapter XIV of Kerala Education Rule.

Ext.P3: True copy of the aid representation dated nil submitted by the mother of the petitioner to the first respondent.

RESPONDENT'S EXHIBITS:

Ext.R1(a): True copy of the Government Order dated 24.5.1999 relied on by the petitioner.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)Nos.30104 OF 2004 & 17451 OF 2007

Dated this the 3rd day of July, 2007

JUDGMENT

Petitioner claimed the benefit of Rule 51(B) of Chapter XIV-A KER contending that she was entitled to get appointment in the vacant post of Laboratory Assistant in the High School section of the school under the management of respondent no.1. However, I do not deem it necessary to consider the merit of the claim of the petitioner at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner has subsequently approached the management with a request to give her appointment in the vacancy of Peon which may arise in the school in the very near future. He further submits that the manager has agreed to consider the request favourably. Learned counsel for the manager submits that if such an application has been submitted in terms of the rules, necessarily it will be considered and a decision thereon will be taken in accordance with the rules and also subject to the eligibility of the petitioner.

2. In the above facts and circumstances, Writ Petition No.30104 of 2004 is closed as requested by the petitioner.

In view of the judgment in Writ Petition No.30104 of 2004, no orders are necessary in Writ Petition No.17451 of 2007 other than quashing Exts.P1 to P3. Ordered accordingly. The District Educational Officer, Kottayam is directed to pass appropriate orders on the request for approval of appointment of petitioner no.2 in accordance with law. This shall be done as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

A.K.BASHEER, JUDGE

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